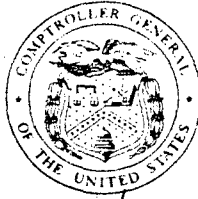


**DECISION**



*Weiskopf*  
*17299*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*[Protest Involving Issue That Was Subject of Court Decision]*

FILE: B-200954.2

DATE: March 12, 1981

MATTER OF: Bethlehem Steel Corporation

**DIGEST:**

Protest is dismissed where subject of protest was decided by court of competent jurisdiction.

Bethlehem Steel Corporation filed a protest that the Navy's solicitation No. N-65870-81-B-0002, for the repair of the U.S.S. Racine, allegedly unduly restricted competition to contractors in a limited geographic area.

While the protest was pending before this Office, Bethlehem Steel filed a suit on the same matter in the United States District Court, Northern District of California (Civil Action No. C-81-0239), seeking a declaratory judgment and injunctive relief. The court dismissed the suit by order of February 10, 1981. The court's subsequent memorandum opinion, dated February 23, 1981, held that Bethlehem Steel's suit was without merit and upheld the geographic limitation.

The court's decision on the merits constitutes a final adjudication barring further action by this Office. See 4 C.F.R. § 20.10 (1980); Automated Datatron, Inc., B-199684, November 28, 1980, 80-2 CPD 402.

Therefore, we dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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